

**PERMANENT SCHOOL FACILITIES BUILDING COMMITTEE
SPECIAL MEETING
JULY 2, 2014**

The Permanent School Facilities Building Committee held a special meeting on Wednesday, July 2, 2014 at City Hall (west Conference Room). Chairman Woods called the special meeting to order at 7:00 p.m.

Committee Members Present

M. Woods, Chairman
B. Nunno
Ald. M. Hardiman (BOA)
M. Ahrens
Ald. R. Vitali (BOA)

Also Present

B. Silver, Silver Petrucelli Assoc., A/E
P. Jorgensen, Silver Petrucelli Assoc., A/E

Excused: M. DeGrego (BOE)

Absent: G. Gensure (BOE)

1. Status Report Re: Hazardous material Abatement/Tile Replacement Project:
 - a) Joseph A. Foran High School – Consideration of bids.
 - b) John F. Kennedy Elementary School – Consideration of bids.
 - c) West Shore Middle School – Consideration of bids.

Chairman Woods stated the Committee has been made aware that two of the four contractors withdrew their bid. He stated case law as recent as 1985 states there are three requirements under which a bid may be withdrawn without penalty. He continued by reading the language from the case provided by City Attorney Berchem. Chairman Woods stated the mistakes were material and unconscionably large and they let Silver Petrucelli know right away, so under case law their bid bonds can't be called and they must be released. He stated two contractors awards from last week must be rescinded of the four the Committee awarded. He stated one recourse of the Committee would be to put any of the projects out for re-bid, however that would take at least ten days and it was not likely the work would get done this summer. Chairman Woods stated it is the recommendation of educators that the work be done this summer so rebidding was not an option and that the educators would recommend the next lowest bidder.

Mr. Silver referred the Committee members to pg. 1 of the handout. He stated Wiese had confirmed their bid and they are ready to move full steam ahead at West Shore Middle School.

Ald. Vitali expressed concern the total difference between bidders at West Shore appeared to be around \$100,000.

Mr. Silver explained Wiese is likely able to do it for the amount bid because it is under the prevailing wage threshold of \$100,000. A brief discussion ensued.

Mr. Silver referred the Committee to p. 1 and continued with an explanation of the numbers concerning John F. Kennedy Elementary School ("JFK"). He stated the educators have asked the Committee to consider the bid of Tomlinson-Hawley Patterson ("THP").

Mr. Nunno questioned the mistake made by Niram, Inc.

Mr. Silver explained the difference between the bidders. He also stated the educators feel that THP knows the school since they did the first phase of the haz mat/abatement work in 2012.

Chairman Woods commented the difference was \$11,000 and that this Committee is familiar with THP. He asked Mr. Silver if the Committee needed to make a motion to rescind the contract award from June 25th.

Mr. Silver replied yes and then the Committee would award the new bid.

Ald. Vitali and Mr. Nunno made and seconded a motion to rescind the award to Niram, Inc. (6/25/14) due to their withdrawal of their bid based on a material mistake. Motion carried unanimously.

Ald. Hardiman and Ald. Vitali made and seconded a motion to award the bid for hazardous material abatement at JFK to THP in the amount of \$157,500.

Mr. Ahrens questioned the contingency amount for the entire project since the new bid award was more than the original award.

Mr. Silver stated the contingency would be affected by the decisions the Committee will make as to what work would be done at Joseph A. Foran High School ("Foran").

Mr. Ahrens asked if Camp Happiness was still a priority.

Ald. Vitali stated this Committee should take the lead from the educators who have made their recommendations.

Mr. Ahrens asked if the numbers at Foran would now change.

Mr. Silver referred the Committee to p. 1 of the handout, specifically options 1-5, or if the Committee were considering re-bidding the work, options 6-8. He pointed out the priority of the educators.

Chairman Woods stated the Committee would not be looking to re-bid.

Mr. Silver continued with an explanation of options 1-5.

Chairman Woods stated it was his understanding the Committee would have to rescind the bid to Bismark Construction in the amount of \$437,000 to allow the Committee to work with the contingency available. A discussion ensued as to the options presented.

Chairman Woods stated the goal of the educators is to get as much of the hazardous material abatement work done at each of the schools as possible.

Mr. Silver stated the educators have requested they would like to have the 1st floor at Foran done.

Mr. Nunno asked if the band/music area was included.

Mr. Silver replied yes.

Motion carried unanimously.

Mr. Nunno and Ald. Hardiman made and seconded a motion to rescind the award for base bid “C” – 3rd Floor Green Wing in the amount of \$437,017 to Bismark Construction.

Mr. Ahrens asked about any exposure in rescinding the award.

Mr. Silver stated the notice to proceed was never sent. He explained traditionally the City of Milford operates under a notice to proceed procedure. A brief discussion ensued.

Motion carried unanimously.

Chairman Woods stated the first priority of the educators is Base bid “A”.

Ald. Vitali and Ald. Hardiman made and seconded a motion to award Base Bid “A” – 1st Floor Practice Rms and Planetarium in the amount of \$289,434 to Bismark Construction. Motion carried unanimously.

Ald. Vitali and Ald. Hardiman made and seconded a motion to award Base Bid “D” – 3rd Floor Art and FCS in the amount of \$148,141 to Bismark Construction.

Mr. Ahrens asked if this was a high priority of the educators.

Chairman Woods explained the educators are looking to get the most work done for the money. A brief discussion ensued.

Motion carried unanimously.

Ald. Vitali and Mr. Nunno made and seconded a motion to award Base Bid “E” – 4th Floor Small Areas and Observation in the amount of \$82,000 to Paragon Construction.

Mr. Ahrens questioned why the 4th floor versus completing the 3rd floor.

Mr. Silver stated it is due to the value and the educators wanting to get the most for the dollar. He stated by doing the 4th floor would make this level completely done.

Motion carried unanimously.

Mr. Silver stated Enviroscience has gotten started with Haz Mat Construction Administration services at West Shore Middle School (“WSMS”). He referred the Committee to p. 3 & 4 and explained the details of the services and also the construction and administration work. He also pointed out no PCB’s have been found at WSMS reducing the CA estimate. He stated a change order was needed for EnviroScience’s construction administration work.

Mr. Nunno and Ald. Hardiman made and seconded a motion to approve a change order to the Silver Petrucelli contract in an amount not to exceed \$11,000 for the hazardous material environmental construction/administration work.

Mr. Ahrens questioned the contingency amount.

Mr. Silver referred Mr. Ahrens and the Committee to p. 2 of the handout and explained the numbers.

Motion carried unanimously.

Chairman Woods reminded the Committee the next meeting would take place on July 9, 2014.

There being no further business to discuss, Ald. Vitali and Mr. Ahrens made and seconded a motion to adjourn at 7:47 p.m. Motion carried unanimously.

Respectfully submitted,

Kathleen K. Huber
Recording Secretary